

Case No.: 22-55687

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

LA ALLIANCE FOR HUMAN RIGHTS, et al.

Plaintiffs-Appellees,

v.

LOS ANGELES CATHOLIC WORKER; et al.,

Intervenors-Appellants,

v.

CITY OF LOS ANGELES, et al.

Defendants-Appellees.

Appeal from the District Court for the Central District of California,

Case No. 2:20-cv-02291-DOC-KES

Honorable David O. Carter, United States District Judge

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
INTERVENORS-APPELLANTS' OPENING BRIEF; DECLARATIONS OF
CATHERINE SWEETSER AND CAROL A. SOBEL**

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MOTION FOR EXTENSION OF TIME

Intervenors-Appellants' Opening Brief is now due March 3, 2023.

Appellants seek a sixty-day extension of time to and including May 2, 2023 to file their Opening Brief. This motion is unopposed by Plaintiffs'-Appellees' and Defendants' - Appellees' counsel and is Appellants' second request or motion for an extension in the case to date.

First, as outlined in the accompanying declarations of Carol Sobel and Catherine Sweetser, this motion is filed because the attorneys on the case need additional time to complete briefing in this matter. The senior attorney on the case has been unable to assist with the brief due to her husband's health condition. *See Sobel Decl.*, ¶ 3. At the same time, the undersigned and other attorneys of record in this matter have a number of other deadlines in other cases, including a trial, a motion for summary judgment, and a significant discovery matter that has required their attention over the last month and will require their attention in the forthcoming month. *See Sweetser Decl.* ¶ 3. The undersigned has also been coordinating a site visit by the Special Rapporteur on Economic, Social, Cultural, and Environmental Rights, which has required significant time and attention and which will take place from March 1-3. The extension will allow counsel to fully brief the issues in the case.

In addition, good cause also exists for the extension because granting the extension may result in the streamlining of the issues on appeal, therefore preserving judicial resources and the resources of the parties. Intervenor-Appellants appeal the entry of an order approving a settlement between Plaintiffs and Defendant City of Los Angeles. The case remains pending against Defendant County of Los Angeles. This Court issued an Order to Show Cause on the question of appellate jurisdiction and whether the appeal could proceed before a final judgment in the case. After briefing by the parties, the Appellate Commissioner ordered that the appeal could proceed, but ordered the parties to again brief the issue of appellate jurisdiction.

The County of Los Angeles and Plaintiffs have now entered into a settlement agreement and have sought court approval of the settlement and a dismissal of the case. The district court held a hearing on the settlement and dismissal of the case on January 17, 2023 and continued the hearing on the dismissal for 90 days. *See Sobel Decl.*, ¶ 5, Exh. A, Scheduling Order Following 01/17/2023 Settlement Hearing. If the settlement is approved on April 20, 2023, resulting in the dismissal of the case, the extension may allow for the streamlining of the appeal, which would preserve judicial resources and the resources of the parties. In addition, at the January 17, 2023 hearing, the Mayor of the City of Los Angeles stated on the record her intention to work with the County and Plaintiffs

regarding the parties' settlement. *See Sobel Decl.*, ¶ 5. If these negotiations result in a change to the settlement agreement between the City and Plaintiffs, which is the subject of this appeal, this could further impact the issues on appeal.

Plaintiff'-Appellees' counsel do not oppose the extension sought in this motion. *Sweetser Decl.* ¶ 4. Defendant-Appellees' counsel have not indicated whether they will oppose the motion.

For all these reasons, Appellants requests that this Court grant their request for an extension of time to May 2, 2023 to file their Opening Brief.

Dated: February 24, 2023.

By: s/ Catherine Sweetser
Catherine Sweetser
Attorney for Plaintiff/Appellant.

DECLARATION OF CATHERINE SWEETSER

1. I am an attorney at law duly licensed and entitled to practice in this Court and in the state of California. I have personal firsthand knowledge of the within-stated facts and if called as a witness I could testify thereto under oath.
2. Since the streamlined extension was requested and granted, I have been dealing with multiple other deadlines in other cases, as well as with coordinating a visit from the Inter-American Commission for Human Rights, which will take place on March 1 through March 11, 2023. During that time, I will be in attendance at case hearings and an official country visit from the Commission, making it difficult for me to work on this brief during that time.
3. At the same time, a trial that I am lead counsel in was continued to March 28, 2023, and a motion for summary judgment, against a plaintiff that I represent, was filed today and set for opposition briefing on March 17, 2023.
4. In addition, my co-counsel in this matter and I are counsel in another matter pending in the U.S. District Court, Central District of California. Since the streamlining request has been filed, we have been dealing with a time-intensive discovery matter related to the work of a court-appointed forensic examiner, who was appointed to investigate discovery practices by the City of Los Angeles.

5. My co-counsel is also experiencing a significant staff shortage at her organization which has impacted her ability to work on the briefing in this matter.
6. My co-counsel informed Defendants'-Appellees' counsel of Intervenor's intention to request this extension of time on February 23, 2023 by email, and was informed by Plaintiffs'-Appellees' counsel that they do not oppose the requested extension. Defendants'-Appellees' counsel have not responded.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this February 24, 2023 at Los Angeles, California.

s/ Catherine Sweetser
Catherine Sweetser

DECLARATION OF CAROL A. SOBEL

I, CAROL A. SOBEL, declare as follows:

1. I am counsel of record for the Intervenor Orange County Catholic Worker, Los Angeles Community Action Network (“LA CAN” or CANGRESS), and Los Angeles Catholic Worker in this matter. I have personal knowledge of the facts set forth below and, if called to testify to those facts, could and would do so competently.
2. I am providing this declaration in support of Intervenor’s request for an extension to file their opening brief on appeal.
3. I have a personal situation with respect to my husband that has developed over the last three months. He is elderly and disabled. As a result of several recent falls he sustained, I have had to shift my focus to his support and recovery. While I have some assistance, attending to his needs has limited my time on casework significantly and with an element of unpredictability depending upon his situation from day to day.
4. As a consequence, I have been unable to assist with the appeal and will be limited in my ability to do so as I work to stabilize his situation.
5. I was present at the hearing on January 17, 2023 in the underlying matter, at which Mayor Bass indicated her intention to work with the County and Plaintiffs regarding the settlements in this matter. Attached as Exhibit A is a

true and correct copy of the Scheduling Order issued by the court following the status conference.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of February, 2023 at Los Angeles, California.

/s/ Carol A. Sobel
Carol A. Sobel

EXHIBIT A

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No. 2:20-cv-02291-DOC-KES

Date: January 20, 2023

Title: LA ALLIANCE FOR HUMAN RIGHTS ET AL. V. CITY OF LOS ANGELES ET AL.

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Karlen Dubon
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

PROCEEDINGS (IN CHAMBERS):

**SCHEDULING ORDER FOLLOWING
01/17/2023 SETTLEMENT HEARING**

On January 17, 2023, the Court held a hearing regarding the settlement agreement between Defendant County of Los Angeles and Plaintiffs L.A. Alliance (“County Settlement Agreement”) (Dkt. 485). The parties requested, and the Court granted, an additional 90 days to review and amend the County Settlement Agreement.

Accordingly, the parties shall appear before the Court on April 20, 2023. In the interim, the parties shall submit joint status reports, on the dates set forth below, to Judge Andre Birotte and Special Master Michele Martinez regarding the progress of the revised settlement. An amended settlement agreement is due to the Court on or before April 17, 2023. The schedule is as follows:

February 17, 2023:	First Joint Status Report Due
March 17, 2023:	Second Joint Status Report Due
April 17, 2023:	Proposed Settlement Agreement Due
April 20, 2023:	Settlement Hearing

The hearing scheduled for April 20, 2023 will be held at 9:00 a.m. in Courtroom 5B at the First Street U.S. Courthouse, 350 W 1st Street, Los Angeles, CA 90012. The Court requests the presence of Mayor Karen Bass, Los Angeles City Council President Paul Krekorian, and Los Angeles County Supervisor Janice Hahn.

The Clerk shall serve this minute order on the parties.

Initials of Deputy Clerk: kdu

MINUTES FORM 11

CIVIL-GEN

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2023 I electronically filed the foregoing document UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S OPENING BRIEF AND DECLARATIONS OF CATHERINE SWEETSER AND CAROL A. SOBEL with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I hereby certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: February 24, 2023.

By: s/ Catherine Sweetser
Catherine Sweetser
Attorney for Plaintiff/Appellant.